

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**ATATEKS FOREIGN TRADE LTD, JORDAN  
AND ATATEKS DIS TICARET A.S.,**

**No. 07 Civ. 6665 (HB)**

**Plaintiffs,**

**-against -**

**PRIVATE LABEL SOURCING, LLC,  
AND SECOND SKIN, LLC**

**Defendants.**  
-----X

**DEFENDANT PRIVATE LABEL SOURCING, LLC'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Private Label Sourcing, LLC, ("Defendant PLSL"), by and through its attorneys Nesenoff & Miltenberg, LLP, hereby requests that Plaintiffs Atateks Foreign Trade Ltd and Atatteks Dis Ticaret A.S. ("Plaintiffs") produce and make available for inspection and copying the documents described herein which are in its possession, custody or control, within thirty (30) days at the office of Nesenoff & Miltenberg, LLP, 363 Seventh Avenue-Fifth Floor, New York, New York 10001, or at such other time and place as agreed by the parties.

**DEFINITIONS AND INSTRUCTIONS**

1. The definitions and rules of construction set forth in Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules for the Southern District of New York are hereby incorporated by reference.

2. In addition to the foregoing, the words "document" or "documents" include, but are not limited to, "e-mail" and other forms of electronic documents, communications and data

-2-

compilations, as well as any and all written, taped, recorded or graphic matter however produced or reproduced (together with attachments and annotations thereto or thereon), agreements, contracts, tapes, recordings or other forms of mechanical reproduction, reports, studies, summaries, memoranda, calendar or diary entries, written notes, working papers, minutes, agendas, bulletins, notices, announcements, instructions, charts, manuals, brochures, schedules, telegrams, teletypes, films, videotapes, photographs or negatives thereof, microfilms, microfiches, statutes, governmental or departmental orders or regulations, and any other documents in your possession, custody or control, regardless of where located.

3. "Plaintiff" means Plaintiff Plaintiffs Atateks Foreign Trade Ltd and Atatteks Dis Ticaret A.S., its current or former officers, directors, employees, partners, corporate parent, subsidiaries and affiliates.

4. "Defendant" means Defendant Private Label Sourcing, LLC, its current or former officers, directors, employees, partners, corporate parent, subsidiaries and affiliates.

5. "Communication" means the transmittal of information by any means, and shall mean and be deemed to refer to any writing or oral conversation, including, but not limited to, telephone conversations, conversations in meetings, letters, memoranda, notes, telegraphic and telex communications.

6. "Possession," "custody" or "control" includes the joint or several possession, custody or control not only by the person or persons to whom these requests are addressed, but also the joint or several possession, custody or control by each or any person acting or purporting to act on behalf of the person, whether as an employee, attorney, accountant, agent, sponsor, spokesperson or otherwise.

-3-

7. Plaintiffs shall comply with Federal Rule of Civil Procedure 34(b) by producing said documents as they are kept in the usual course of business or shall label and organize them to correspond with the categories in these requests.

8. All documents must be produced in their entirety, including all attachments and enclosures, and in their original folder, binder, or other cover or container unless that is not possible. Whenever a document or group of documents is removed from a file folder, binder, file drawer, file box, notebook, or other cover or container, a copy of the label of such cover or other container must be attached to the document.

9. The requests contained herein shall be deemed to be continuing. Plaintiffs shall supplement its responses in full compliance with Federal Rule of Civil Procedure 26(c). If after a response has been served, Plaintiffs or their attorneys or representatives become aware of additional responsive information and documents, such additional information and documents shall be produced promptly at the office of Nesenoff & Miltenberg, LLP, 363 Seventh Avenue-Fifth Floor, New York, New York 10001, or at such other time and place as agreed by the parties.

10. If any document was, but is no longer, in the possession of Plaintiffs or subject to the control of Plaintiffs, state whether the document (a) is missing or lost, (b) has been destroyed, (c) has been transferred, voluntarily or involuntarily, to others, or (d) is otherwise disposed of, and in each instance explain the circumstances of such disposition, and state the approximate date thereof.

11. If Plaintiffs object or fail to respond to any of the following requests, state specifically the reason for the objection or failure to respond and produce documents responsive to that part of the request to which no objection is made.

-4-

12. If any privilege or immunity is asserted with respect to any document requested herein, identify each such document as required by Local Rule 26.2 by stating: (i) the type of document (*e.g.*, letter, memoranda); (ii) the general subject matter of the document; (iii) the date of the document; (iv) the author of the document, all addressees and recipients, the relationship of the author, addressees and recipients to each other; (v) the present location or custodian of the document; and (vi) the nature of the privilege or immunity claimed and the basis therefor.

13. If there are no responsive documents to these requests, or any portion of these requests, state that fact in writing.

#### **DOCUMENT REQUESTS**

##### **Request No. 1**

All Documents Plaintiffs intend to rely on to prove the allegations set forth in the Complaint.

##### **Request No. 2**

All documents, including e-mail and inter-office memoranda, to or from Imer Basul concerning Defendant PLSL.

##### **Request No. 3**

All documents, including e-mail and inter-office memoranda, to or from Ilhan Arslan concerning Defendant PLSL.

##### **Request No. 4**

All documents, including e-mail and inter-office memoranda, to or from Bahar Akbulut concerning Defendant PLSL.

-5-

**Request No. 5**

All documents concerning Plaintiffs' business dealings with Defendant PLSL including, but not limited to, agreements, purchase orders, transcriptions of voicemails, electronic mail, and other electronic documents or databases.

**Request No. 6**

All correspondence or other communications between Plaintiffs and Defendant PLSL.

**Request No. 7**

All correspondence or other communications to or from any former partners, officers, executives, directors or employees of Plaintiffs, Defendant PLSL or Basul Tekstil Ltd., S. T. I., concerning Defendants.

**Request No. 8**

All written agreements between Plaintiffs and Defendant PLSL.

**Request No. 9**

All documents concerning oral agreements between Plaintiffs and Defendant PLSL.

**Request No. 10**

All documents and communications concerning Defendant PLSL's placing of purchase orders with Plaintiffs.

**Request No. 11**

All documents concerning or reflecting the delay of shipment of goods from Turkey.

-6-

**Request No. 12**

All documents concerning or reflecting the cancellation of shipment of goods from Turkey for Defendant PLSL.

**Request No. 13**

All documents and communications concerning the termination by Defendant PLSL of Plaintiffs as a supplier.

**Request No. 14**

All documents concerning the standard gross profit rate in the apparel industry.

**Request No. 15**

All documents concerning charge-backs with respect to goods supplied by Plaintiffs to Defendant PLSL.

**Request No. 16**

All documents concerning cancellations with respect to orders to be supplied by Plaintiffs to Defendant PLSL.

**Request No. 17**

All documents concerning late charges with respect to orders to be supplied by Plaintiffs to Defendant PLSL.

**Request No. 18**

All documents concerning expediting charges with respect to orders to be supplied by Plaintiffs to Defendant PLSL.

-7-

**Request No. 19**

All documents concerning loss of sales charge-backs due to late shipping with respect to orders to be supplied by Plaintiffs to Defendant PLSL.

**Request No. 20**

A reconciliation of the amount Plaintiffs claim is due to them with all supporting documentation.

**Request No. 21**

All documents which refer to, reflect or relate to any and all of the allegations set forth in the Plaintiffs' Complaint.

**Dated: New York, New York  
April 18, 2008**

**NESENOFF & MILTENBERG, LLP**

By: 

**Laine A. Armstrong**

**Attorneys for Defendants  
363 Seventh Avenue - 5<sup>th</sup> Floor  
New York, New York 10001  
212.736.4500**

**TO: Eric J. Grannis, Esq.  
Law Offices of Eric J. Grannis  
620 Fifth Avenue  
New York, New York 10020  
212.903.1025**